

## REMARKS

Claims 7-22 are pending in the application. Claims 7, 8, 13, 16, 21 and 22 of the application have been amended to reflect the route of administration as oral and/or parenteral. Support for the amendments can be found in the application on page 4, lines 16-20.

The Patent Office contends Claims 7-17, 20 and 22 to interfere under 35 USC 135((a)) with at least claims 2, 4, 18, 20, 24, 26, 32 of US Patent 6,337,324. The Patent Office further requires Applicant to present a showing under 37 CFR 41.202(d) as to why it would prevail in interference with said patent. Applicant is thus given a period of two (2) months to present such showing which thereafter will be forwarded to the Board for evaluation pursuant to 37 CFR 41.202(e). It is further stated, "if a showing is not timely presented, the application will be forwarded to the Board where it would be expected that an order to show cause would be issued pursuant to 37 CFR 41.202(d)(2)". Finally, the Office states the time for responding cannot be extended under provisions of 37 CFR 1.136(a)(2003).

Several telephone calls have been made to Examiner Mosher inquiring about pendency, requesting removal or status of this application at the Board and obtaining extensions to amend claims to avoid the cited patent. Examiner Mosher could not provide information and referred Applicant to multiple specialists within the PTO. Basically, according to the Office Action Applicants are not allowed to amend claims nor file for extensions of time because any action concerning a priority contest would "be forwarded to the Board" (see page 2 bottom and page 3 top of Office Action).

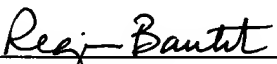
Applicants have continuously pursued status of this application. On May 26, Examiner Woodward, after additional research on his part, kindly advised to file a petition for one month extension of time and submit an amendment of claims. Therefore, notwithstanding the Office Action instructions that extensions are not available under 37 CFR 1.136(a), included herewith is a Petition for a one month extension to time and authorization to charge the fee to an appropriate deposit account. If the time for response will be reset in view of the Applicant not receiving an accurate and functional Office Action, then the Petition can be disregarded.

Finally, it is noted the rejections of record have been withdrawn. The current Office Action is a second Office Action for the application. It is not known if the Office has made the rejection of the claims final. However, as amended, the claims now reflect oral and/or parenteral administration and are neither encompassed nor disclosed by US 6,337,324 which teaches topical administration of antiviral substances and an anti-inflammatory glucocorticoid.

Applicants respectfully submit that the above claims are now in condition for allowance,  
which action is earnestly solicited.

Respectfully submitted,

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080  
(617) 871-3356

  
\_\_\_\_\_  
Regina Bautista  
Attorney for Applicant  
Reg. No. 46,280

Date: 5/27/05